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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,921	06/25/2001	Adriaan Retief Swanepoel	0182.00003	7901

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EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 09/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/806,921

Applicant(s)

SWANEPOEL ET AL.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 9-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim is dependent from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 9-12 have not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-4, 6-8, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by De Paoli et al. “*De Paoli*” (WO 98/15438).

De Paoli teaches a wiper coupling comprising a wiper arm (18) and a windscreen wiper (10) having a flexible elongate beam (12), which is curved. There is an elongate, planar base, which is known as the support structure (30). The upper surface of the beam is spaced at a predetermined distance from the support structure by spacing formations. In this instant case, the predetermined space between the beam and the support structure is no space. Therefore the spacing formations are the flat, bottom surface of the support structure beam. There are mounting means (36) for mounting the support structure to the beam. The mounting means comprises two pairs of spaced apart claws (36, 46 figure 3), which extend from the base. The pairs of claws are then aligned with the spacing formations, since the entire bottom surface of the

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base is the spacing formations. There is a connecting structure (22) for pivotal connection to the wiper arm.

4. Claims 1, 3-4, 6-8, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Merkel et al. "*Merkel*" (WO 98/19899).

Merkel teaches a wiper coupling comprising a wiper arm (18) and a windscreen wiper (10) having a flexible elongate beam (12), which is curved. There is an elongate, planar base, which is known as the support structure (30). The upper surface of the beam is spaced at a predetermined distance from the support structure by spacing formations. In this instant case, the predetermined distance between the beam and the support structure is no space. Therefore the spacing formations are the flat, bottom surface of the support structure beam. There are mounting means (38) for mounting the support structure to the beam. The mounting means comprises two pairs of spaced apart claws (38), which extend from the base. The pairs of claws are then aligned with the spacing formations, since the entire bottom surface of the base is the spacing formations. There is a connecting structure (22) for pivotal connection to the wiper arm.

5. Claims 1-5, 8, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Quinlan et al. "*Quinlan*" (USPN 3785002).

Quinlan teaches a wiper coupling comprising a wiper arm (14) and a windscreen wiper (12) having a flexible elongate beam (16), which is curved. There is an elongate, planar base, which is known as the support structure (32). The upper surface of the beam is spaced at a predetermined distance from the support structure by a pair spacing formations (28). In this instant case, the predetermined distance between the beam and the support structure is shown in figure 1. The spacing formation comprises a fulcrum formation, which permits bending of the

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beam. The spacing formations form an elongate protrusion located transversely to the base.

There are mounting means (25, 28, 31) for mounting the support structure to the beam. There is a connecting structure (22) for pivotal connection to the wiper arm.

6. Claims 1-8, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mower "*Mower*" (USPN 5319826).

Mower teaches a wiper coupling comprising a wiper arm (11) and a windscreen wiper (23) having a flexible elongate beam (25), which is curved. There is an elongate, planar base, which is known as the support structure (27). The upper surface of the beam is spaced at a predetermined distance from the support structure by a pair spacing formations (not labeled but shown on figure 4, located closest to numeral 21). In this instant case, the predetermined distance between the beam and the support structure is shown in figure 4. The spacing formation comprises a fulcrum formation, which permits bending of the beam. The spacing formations form an elongate protrusion located transversely to the base. There are mounting means (21) for mounting the support structure to the beam. The mounting means comprises two pairs of spaced apart claws (21), which extend from the base. The pairs of claws are then aligned with the spacing formations, since the entire bottom surface of the base is the spacing formations. There is a connecting structure (22) for pivotal connection to the wiper arm.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinlan et al. in view of Merkel et al.

Quinlan teaches all the essential elements of the claimed invention however, fails to teach claws to hold the beam to the support structure. Merkel teaches a coupler with claws to hold the wiper blade to the support structure. It would have been obvious to one of ordinary skill in the art to use Merkel's claws in place of the screws as taught by Quinlan because they are equivalent structure known in the art. Therefore, because these two fastening means were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute claws for screws.

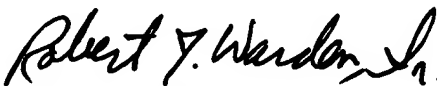
*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

Slb  
August 19, 2003

  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700